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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,716	09/18/2003	Stefan Karlinger	71129	4410

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MCGLEW & TUTTLE, PC
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SCARBOROUGH, NY 10510-0827

EXAMINER

DUNWOODY, AARON M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,716

Applicant(s)

KARLINGER, STEFAN

Examiner

Aaron M Dunwoody

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/18/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) filed 9/18/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: enclosure I. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

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The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Claim Objections

Claim 7 is objected to because of the following informalities:

Claim 7 change from "an a construction" to "a construction" to eliminate the grammatical error. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 3934902, McNamee.

In regards to claim 1, McNamee discloses a device (10) for holding a flexible hose (12), having at least one holding area for the at least axial holding of the hose and with at least one one-sided support area surrounding the hose and extending towards the free end.

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In regards to claim 2, McNamee discloses the holding area having inwardly directed annular ribs (32, 36).

In regards to claim 3, McNamee discloses the holding area further comprising an application area (28) for applying the device to a holding part (50).

In regards to claim 4, McNamee discloses the holding part being constructed as a fixing clamp or clip.

Note, the holding part is not part of the claimed invention.

In regards to claim 5, McNamee discloses the section application having an outer annular groove.

In regards to claim 6, McNamee discloses an inwardly directed lug (threads of 50) of the holding part engages the annular groove.

In regards to claim 7, McNamee discloses a construction with at least two partial shells (half- shells) (22).

In regards to claim 8, McNamee discloses the partial shells being screwed together (when inserted into 50).

In regards to claim 16, McNamee discloses the support area having a trumpet-shaped extension.

Claims 1-7, 9 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 3498642, Berger.

In regards to claim 1, Berger discloses a device (30) for holding a flexible hose (15), having at least one holding area for the at least axial holding of the hose and with

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at least one one-sided support area surrounding the hose and extending towards the free end.

In regards to claim 3, Berger discloses an application area (34) for applying the device to a holding part.

In regards to claim 4, Berger discloses the holding part being constructed as a fixing clamp or clip.

Note, the holding part is not part of the claimed invention.

In regards to claim 5, Berger discloses the section application having an outer annular groove (between 34 and 33).

In regards to claim 6, Berger discloses an inwardly directed lug (see Figure 1) of the holding part engaging the annular groove.

In regards to claim 7, Berger discloses a construction with at least two partial shells (half- shells) (31, 32).

In regards to claim 9, Berger discloses the partial shells being interconnected by snap action devices.

In regards to claim 16, Berger discloses the support area having a trumpet-shaped extension.

Claims 1-7, 9-11, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 4907830, Sasa et al.

In regards to claim 1, Sasa et al disclose a device (4) for holding a flexible hose (6), having at least one holding area for the at least axial holding of the hose and with at

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least one one-sided support area surrounding the hose and extending towards the free end.

In regards to claim 2, Sasa et al disclose having inwardly directed annular ribs (5).

In regards to claim 3, Sasa et al disclose an application area (11) for applying the device to a holding part (3).

In regards to claim 4, Sasa et al disclose the holding part being constructed as a fixing clamp or clip.

Note, the holding part is not part of the claimed invention.

In regards to claim 5, Sasa et al disclose the section application having an outer annular groove.

In regards to claim 6, Sasa et al disclose an inwardly directed lug of the holding part engaging the annular groove.

In regards to claim 7, Sasa et al disclose a construction with at least two partial shells (half- shells).

In regards to claim 9, Sasa et al disclose the partial shells being interconnected by snap action devices (12).

In regards to claim 10, Sasa et al disclose the partial shells being held together by a closing ring (12).

In regards to claim 11, Sasa et al disclose the closing ring being constructed in one piece.

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In regards to claim 15, Sasa et al disclose a cylindrical shoulder for the non-positive reception of the closing ring in a radial and circumferential direction.

In regards to claim 16, Sasa et al disclose the support area having a trumpet-shaped extension.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasa et al in view of US patents 2547263, Heimann et al, and 3464307, Wurzel.

In regards to claim 12, Sasa et al discloses the claimed invention except for the closing ring being formed by several partial rings. Heimann et al and Wurzel teach a closing ring being formed by several partial rings. As Heimann et al and Wurzel relates to retaining rings, it would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the closing ring as several partial rings, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

In regards to claim 13, Heimann et al and Wurzel further disclose the partial rings of the closing ring being connectable by snap constructions by snapping in perpendicular to the axis of symmetry.

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In regards to claim 14, Heimann et al and Wurzel further disclose rigid, complimentary shapes, engaging behind in the closed position and located on end faces of the partial rings of the closing ring and axial connectability of the shapes and therefore the partial rings.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the inventive concept of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 703-306-3436. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-306-5771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

.amd



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